

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
3

4 Ervin Middleton,

5 Plaintiff

6 v.

7 Omely Telecom Corp.,

8 Defendant  
9

2:16-cv-01369-JAD-GWF

**Order Adopting Report and  
Recommendation re: Sam Bateman's  
Motion to Dismiss**

[ECF Nos. 28, 29]

10 Sam Bateman became a defendant in this case when plaintiff Ervin Middleton filed an  
11 unauthorized first amended complaint. That pleading, and the summonses that corresponded to  
12 it, were stricken on September 19, 2017,<sup>1</sup> and Bateman is no longer a defendant in this case.  
13 Nevertheless, Mr. Bateman filed a motion to dismiss the claims against him.<sup>2</sup> Magistrate Judge  
14 Foley recommends that I deny the motion as moot because Mr. Bateman is no longer a party to  
15 this case.<sup>3</sup>

16 The report and recommendation was entered October 11, 2017, making October 25, 2017,  
17 the deadline to file an objection. No party has filed an objection to the report and  
18 recommendation. “[N]o review is required of a magistrate judge’s report and recommendation  
19 unless objections are filed.”<sup>4</sup> Accordingly, with good cause appearing and no reason to delay, IT  
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24 <sup>1</sup> ECF No. 19.

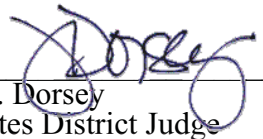
25 <sup>2</sup> ECF No. 28.

26 <sup>3</sup> ECF No. 29.

27 <sup>4</sup> *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474  
28 U.S. 140, 150 (1985); *United States v. Reyn-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

1 IS HEREBY ORDERED that Magistrate Judge Foley's report and recommendation [ECF No.  
2 **29**] is **ACCEPTED and ADOPTED**; Sam Bateman's Motion to Dismiss [ECF No. 28] is  
3 **DENIED** as moot.

4 DATED: October 26, 2017.

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Jennifer A. Dorsey  
United States District Judge